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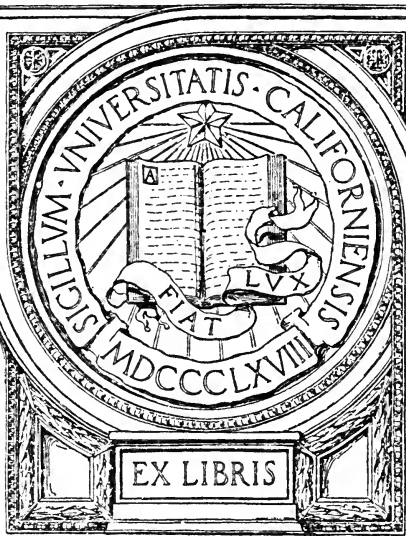
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AN ACT

OF THE

LEGISLATURE OF ALABAMA

CREATING A

COMMISSION FORM

OF

GOVERNMENT

UNDER WHICH THE

CITY OF MONTGOMERY

IS NOW ORGANIZED

IN EFFECT APRIL 10, 1911



MONTGOMERY, ALA.
THE BROWN PRINTING CO., PRINTERS AND BINDERS
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AIRPORT

No. 254.)

AN ACT

(H. 323.

To provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have, or which may hereafter have, a population of as much as twenty-five thousand and less than fifty thousand people according to the last federal census, or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen, and certain other city officials; and otherwise provide for the creation and maintenance of said commission form of government. *Be it enacted by the Legislature of Alabama:*

Section 1. All cities of the State of Alabama which have a population of as many as twenty-five thousand and less than fifty thousand people, according to the last federal census, or which shall hereafter have such population according to any census that may be taken hereafter, shall become organized under the commission form of government according to the terms of this act and shall be known as cities of class "C."

Cities, classification of.

Sec. 2. In all cities of the State of Alabama which have such population according to the last federal census, the governor is authorized and required to appoint from and after the approval of this act four persons to hold office as commissioners of said city, who shall hold office until the first Monday in October, 1915, and until their successors shall be elected and shall qualify as hereinafter provided. The term of office of each member of the board, including the president of commissioners, after the expiration of the term herein provided for shall be four years,

Commissioners, appointment and terms of.

and until their successors shall be elected and shall qualify as hereinafter provided. The mayor or chief executive of every such city at the time this act shall be approved shall be and become as soon as the other commissioners take office as provided herein the president of the board of commissioners of such city and shall hold office until the first Monday in October, 1915.

When effective.

Sec. 3. The provisions of this act shall apply to and become operative in all cities not now having but which shall hereafter have a population of as many as twenty-five thousand people, according to any federal census that may be taken hereafter, and elections may be called and such cities may become organized under this act in the same manner as cities having the required population at the time of the passage of this act.

Name of.

Sec. 4. The president and the commissioners provided for in this act shall be known collectively as "The Board of Commissioners of the city of ——" (name of city to be inserted) and it shall have the power and duties hereinafter provided. The first commissioners appointed under the provisions of this act shall qualify for office in the manner prescribed by this act, and shall take office on the second Monday in April, 1911. As soon as they have qualified for office in any such city, then such city shall at that time and thereby be and become organized under the commission form of government provided by this act, and said commissioners provided for by this act shall forthwith take office and enter upon their duties.

Powers of.

Sec. 5. The president of the board of commissioners and commissioners of such city to be known as the board of commissioners of said city, as provided, shall be municipal officers only, and shall have, and possess and exercise only the municipal powers, legislative, executive and judicial, possessed and exercised by the mayor and board of aldermen, and board of police commis-

sioners, and any and all other boards, commissions and officers of such city, of any and of every sort whatsoever, except the powers conferred on the county board of health, in so far as they apply to said city, by State law, or by existing ordinances enacted by said city except whatsoever power they may possess expressly or impliedly as State officers; and all such boards, commissions, and officers except those provided for by this act shall then and there be abolished, and the terms of office of any and all such officers or officials shall then and thereby cease. Said board of commissioners shall not have, possess, or exercise any legislative, executive, judicial or administrative powers of the State or county, nor shall the offices held by them be State offices; such city shall continue its existence as a body corporate under the name of "City of—" (inserting the name of said city). It shall continue to be subject to all the duties and obligations then pertaining to or incumbent upon it as a municipal corporation not inconsistent with the provisions of this act, and shall continue to enjoy all the rights, immunities, powers, privileges and franchises then enjoyed by it, as well as those that may thereafter be granted to it, not inconsistent with the provisions of this act. All laws governing such city and not inconsistent with the provisions of this act shall apply to and govern said city after it shall become organized under the commission form of government provided by this act. All laws, ordinances and resolutions lawfully passed and in force in any such city under its former organizations not inconsistent with the provisions of this act shall remain in force until altered or repealed, according to the provisions of this act. The territorial limits of such city shall remain the same as under its former organization, and all rights and property of every description which vested in it shall vest in it under the organization herein provided for as though there had been no change in the organization of said city; and no right or

liability either in favor of it or against it and no suit or prosecution of any kind, shall be affected by such change, unless otherwise expressly provided for by the terms of this act. All employees of said city, and all officials except those whose terms of office are abolished by this act shall continue in office until otherwise provided by said board of commissioners of said city, provided that this withdrawal or transfer of powers shall not apply to the powers conferred on the county board of health in so far as they apply to said city, by State law, or by existing city ordinances, nor shall they apply to the appointment of health officers for a city, nor to persons employed by such health officer to enforce quarantine under ordinances in force in the city.

Board of education.

Powers and duties of.

Sec. 51½. In cities having a population of twenty-five thousand and less than fifty thousand, the management and control of the public schools therein shall be vested in a board of education, which shall be composed of five members who shall serve without compensation, and shall be qualified electors and residents of the respective cities and who shall not be members of the board of commissioners. At the first regular meeting of the board of commissioners after organization, or as soon thereafter as may be practicable, at any regular meeting, the board of commissioners shall elect the members of the board of education, whose term of office respectively shall be one, two, three, four and five years. Annually thereafter at the first regular meeting in April or as soon thereafter as may be practicable, at a regular meeting, the board of commissioners shall elect a member, whose term of office shall be five years, to succeed the member of the board of education whose term expires that year. In the event of a vacancy in the membership of the board of education, by resignation or otherwise, the fact shall be reported to the board of commissioners by the board, and the board of commissioners shall elect a person to fill such a vacancy for the unex-

pired term. At its first regular meeting in May, after the election of said board of education, or as soon thereafter as practicable, and annually thereafter, the board of education shall elect from its membership a president and vice president. It shall also elect a clerk, who need not be a member of the board of education and may fix his compensation. The vice president shall perform the duties of the president only when the president may be absent or unable to perform his duties. The board of education may fill any vacancy in any of the offices mentioned in this section. All property, real and personal and mixed, now held or hereafter acquired for school purposes, shall be held in trust for the use of the public schools of the city or town, and no sale or purchase of real estate shall be made by any other than the board of education of such city or town. The board of education shall have full and exclusive power within the limits of the revenue appropriated for such purpose, or accruing to the use of the public schools, to purchase fixtures, furniture, apparatus, libraries, fuel and supplies for the use of the schools, and to sell the same, and to make expenditures for the maintenance and repair of the school grounds, buildings, and other property, to purchase sites and to establish and build new schools, when such sites have been provided by the board of education, and to superintend the erection thereof, to make additions, alterations and repairs, to the buildings and property devoted to school uses and to make necessary and proper regulations, contracts and agreements in relation to such matters. All such contracts shall inure to the benefit of the public schools, and in a suit at law or in equity, brought upon them and for the recovery and protection of money and property belonging to and used by the public schools, or for damages, shall be brought by and in the name of the city. Each year the board of education shall make an estimate, in detail of the amount of money required for the proper support and

maintenance of the public schools during the next scholastic year, which shall be submitted to the board of commissioners, and the board of commissioners shall make annual appropriations for the support and maintenance of the schools that it may deem necessary and proper in view of all other needs of the government of the city and of the expected revenues from taxes and otherwise. Money so appropriated and all money received from the school fund of the State, poll taxes and the sale of school property, and the sale of bonds for school purposes and from any other source whatever for school purposes shall be held by the treasurer of the city as a special fund or funds for school purposes and it shall be paid out by him on warrants drawn by the clerk of the board and countersigned by the president or vice president, when acting as president of the board of education and by the clerk of the city, and not otherwise. And no warrant shall be drawn unless in pursuance of a resolution of the board of education entered upon its minutes. The board of education shall have full control of the public schools of the city or town. It shall have power to establish schools to discontinue any school, to consolidate schools; to prescribe courses of study and books to be used, not in conflict with the general law in reference to text books, to divide the city into school divisions, as circumstances may require, to employ teachers and a superintendent of schools and necessary employees and to fix their salaries and wages, to establish and maintain high schools and prescribe rules for the expulsion of pupils, to expel any pupil guilty of gross disobedience or wilful misconduct, to dismiss any superintendent, teacher, or employee, when in its opinion the interests of the school require it and generally to have and exercise all rights, powers, and authority required for the management of a system of public schools. To designate amount to be paid by non-residents of the district whether owners of property or not who desire their children to

be enrolled. It shall be the duty of the board of education to examine, or cause to be examined, all persons at times and places fixed by it, offering as candidates for teachers' places, and when found qualified to give them certificates of qualification gratuitously, to grant diplomas without charge to graduates of the high school, to visit all schools as often as once a month, to establish and uniformly enforce proper rules and regulations, to inquire into the performance of their duties by the teachers and superintendents, and into the progress of the pupils, and to prepare and submit to the board of commissioners an annual report showing the operation of the schools for the past scholastic year, and suggesting their needs for the future. It shall be the duty of the board of education to elect a superintendent of schools, fix his term of office and salary, prescribe his powers and duties. The superintendent shall be required to give bond for the faithful performance of his duties, which shall be payable to said city, in a sum to be fixed by the board not less than three thousand dollars with surety or sureties to be approved by the president of the board, the bond to be filed with the clerk of the city or town. The superintendent may be elected clerk of the board of education, and if so elected his bond shall stand as security for the faithful performance of his duties as clerk, as well as superintendent, however conditioned. It shall be the duty of the clerk of the board of education to keep full and correct detail account of all money received and expended. The superintendent shall attend to the taking of the school census, which shall be taken in the month of April of each year, and it shall be his duty to make complete and accurate reports of the same to the superintendent of education of the State. Each incorporated city or town as a special district, or embraced therein, shall receive its proportionate share of the public school revenue to be paid over by the State superintendent of education

Division of
powers and
duties of
commission-
ers.

direct to the city superintendent of schools and by him paid over to the city treasurer.

Sec. 6. Every city organized under the form of government provided for by this act shall be governed and managed by the board of commissioners, provided for herein. Each and every officer and employee of said city except health officer and such persons as may be employed by him to enforce quarantine, other than the said president and commissioners shall be selected and employed by the said board under its direction and all salaries and wages paid by said city, except as otherwise provided by the terms of this act, shall be fixed by said board. The commissioners shall prescribe and may at any time change the powers, duties and titles of all subordinate officers and employees of said city, except the title of city health officer all of whom shall hold office and be removable at the pleasure of the board of commissioners. The powers and duties in such cities shall be distributed into and among five departments as follows: (1) Department of public affairs. (2) Department of accounts and finances. (3) Department of justice. (4) Department of streets and parks. (5) Department of public property and public improvements. The powers and duties pertaining to each of said departments shall be fixed by the said board of commissioners, and altered from time to time as they may deem best, and one of the members of said board shall be so assigned to take charge of each of such departments and shall as head of such department exercise the duties and powers so provided by said board, and said assignment may be changed at any time by a majority of said board.

Meetings of.

Sec. 7. Said board of commissioners shall hold regular public meetings on Tuesday of each and every week at some regular hour to be fixed by said board from time to time and publicly announced by it; and it may hold such adjourned, called and other meetings as may be necessary or convenient. The president of the board,

when present, shall preside at all meetings of said board, but shall have no veto power. Three members of said board shall constitute a quorum *Quorum.* for the transaction of any and every business to be done by said board and for the exercise of any and every power conferred upon it; and the affirmative vote of three members of said board shall be necessary and sufficient for the passage of any resolution, by-law or ordinance, for the transaction of any business of any sort by said board, or the exercise of any of the powers conferred upon it by the terms of this act, or that may hereafter be conferred upon it. This provision shall not be construed, however, so as to prevent the said board from delegating or assigning to one or more of its members, or to such boards, commissions, officers or employees as may be created or selected by it, the performance of such executive and judicial duties and powers as may be necessary or convenient, provided the same is done by resolution, by-law or ordinance duly enacted according to the terms of this act. All meetings of said board at which any person not a city officer is present shall be open to the public. No resolution, by-law or ordinance granting any franchise, appropriating any money for any purpose, providing for any public improvements, enacting any regulations concerning the public comfort, the public safety or public health, or of any other general or permanent nature, shall be enacted except at a regular or adjourned public meeting of said board, provided that a meeting of the board of commissioners of the city of — may be called at any time to consider an act upon an emergency that involves the public safety or public health. Every motion, resolution or ordinance introduced at any and every such meeting shall be reduced to writing and read before any vote thereon shall be taken; and the yeas and nays thereon shall be recorded. A record of the proceedings of every such meeting shall be kept in a well bound book and every resolution and ordinance passed by

the board of commissioners must be recorded in such book, and a record of the proceedings of the meeting be signed by at least two of the commissioners, before the action taken shall be effective. Such record shall be kept available for inspection by all citizens of such city at all reasonable times.

Ordinances,
franchises, etc. Sec. 8. No resolution, by-law or ordinance granting to any person, firm or corporation any franchise, lease or right to use the streets, public highways, thoroughfares, or public property of any city organized under the provisions of this act, either in, under, upon, along, through or over same, shall take effect and be in force until thirty days after the final enactment of same by the board of commissioners and publication of said resolution, by-law or ordinance in full once a week for three consecutive weeks in some daily newspaper published in said city, which publication shall be made at the expense of the persons, firm or corporation applying for said grant. Pending the passage of any such resolution, by-law or ordinance, or during the time intervening between the final passage and the expiration of the thirty days during which publication shall be made as above provided, the legally qualified voters of said city may, by written petition or petitions addressed to said board of commissioners, object to such grant, and if, during said period such written petition or petitions signed by at least a thousand legally qualified voters of such city shall be filed with said board of commissioners, said board shall forthwith order an election, at which election the legally qualified voters of said city shall vote for or against the proposed grant as set forth in the said by-law, resolution or ordinance. In the call for said election, the said resolution, by-law or ordinance making said grant shall be published in said city by one publication. If at such election the majority of the votes cast shall be in favor of said ordinance and the making of the said proposed grant, the same shall thereupon

Publication of.

become effective; But if a majority of the votes so cast shall be against the passage of the said resolution, by-law or ordinance and against the making of said grant, the said by-law, resolution or ordinance shall not become effective, nor shall it confer any rights, powers or privileges of any kind, and it shall be the duty of the said board of commissioners, after such result of said election shall be determined, to pass a resolution or ordinance to that effect. No grant of any franchise or lease or right of user, or any other right in, under, upon, along, through or over, the streets, public highways, thoroughfares, or public property of any such city shall be made or given nor shall any such rights of any kind whatever be conferred upon any person, firm or corporation, except by resolution or ordinance duly passed by the board of commissioners at some regular or adjourned public meeting and published as above provided for in this section; nor shall any extension or enlargement of any such rights or powers previously granted be made or given except in the manner and subject to all the conditions herein provided for as to the original grant of same. It is expressly provided, however, that the provisions of this section shall not apply to the grant of side track or switching privileges to any railroad or street car company for the purpose of reaching and affording railway connections and switch privileges to the owners or users of any industrial plant, store or warehouse; provided further that said side track or switch shall not extend for a greater distance than one thousand three hundred and twenty (1,320) feet. All franchises or privileges heretofore granted, which are not in actual use or enjoyment or which the grantees thereof have not in good faith commenced to exercise at the time of the adoption of this act are hereby declared forfeited and of no validity, and it shall be the duty of the commission to carry out the provisions of this section by the enactment of ordinances repealing said franchises, provided, that

this section shall not apply to any franchise in which the ordinance granting the same shall have fixed a time within which work shall commence or be completed thereunder and such time shall not have expired at the time of the adoption of this act. No exclusive franchise shall ever be granted, and no franchise shall ever be granted for longer term than thirty years, and no franchise shall be renewed before one and one-half years of its expiration. When any person or corporation holding a franchise for the location, construction or operation of a railroad over a portion of any street, and said franchise has not expired, shall subsequently apply for a franchise to locate, construct or operate a railroad on any portion of the same street or upon any other street in connection therewith, said second franchise shall only be granted for the unexpired term of first franchise. No such grant, right, privilege or franchise shall ever be made to any person, firm, corporation or association unless it provides for adequate compensation or consideration therefor to be paid to such city, and, in addition, to any other form of compensation, any such grantee shall pay annually such fixed charge as may be prescribed in the franchise ordinance. Whenever any such grant, right, privilege or franchise provides for the payment of a per cent of the gross receipts, such grantee shall make and report to the commission all its gross earnings once in six months, and pay into the treasury the amounts due such city at the time said report is made. Said commission shall also have access to and the right to examine all books, receipts, files, records, and documents of any such grantees to verify the correctness of such semi-annual statement and to correct the same if found to be erroneous. If such statement of earnings be incorrect, then such payment shall be made upon such corrected statement. Every ordinance granting any franchise may provide that at the expiration of the period for which the

franchise was granted, or at any time before as stated in the ordinance, the city, at its election and upon the payment of a fair valuation therefor, to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee shall at the expiration of the period for which the franchise was granted, become the property of the city, without any compensation to the grantee. Every ordinance granting any franchise may further provide that upon the payment by the city of a fair valuation in the manner provided in the ordinance, the plant and the property of the grantee shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance. Or in case it is provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which it was granted, become the property of the city without any compensation to the grantee, the property and plant of the grantee shall then become the property of the city by virtue of the grant and without the execution of any instrument or conveyance. No franchise granted by the city shall ever be leased, assigned or otherwise alienated without the express consent of the city, and no dealing with the lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee, shall be deemed to operate as such consent. Where the municipality is the owner of and operates a public utility plant, no franchise shall be granted to any person or corporation to operate any competitive plant unless approved first by a vote of the majority of the qualified electors of such municipality, at an

election held in accordance with the provisions of this act.

Advertising.
expense of.

Sec. 8 $\frac{1}{2}$. That for the advancement of the interest of the city the commissioners may make expenditures for the advertisement of the advantages of the locality and may make contributions together with its commercial organization for that purpose.

Elections,
when held.

Sec. 9. In every city which shall become organized according to the provisions of this act an election shall be held at the time designated in this act for the initial election herein provided for and subsequently, on the third Monday in September after the expiration of four years after it shall have become so organized and on the same date of every succeeding fourth year for the election of the president and other members of the board of commissioners whose terms shall expire in that year; the president and commissioners then elected shall hold office for a term of four years from the first Monday in October of said year until their successors are elected and shall qualify for office. Any person desiring to become a candidate at any election, except those by the commission which may be held according to the terms of this act, for the office of president of the board, or other commissioner to be elected, may become such candidate by filing in the office of the judge of probate of the county in which said city is situated a statement of such candidacy accompanied by affidavit taken and certified by said judge of probate, or by a notary public, that such person is duly qualified to hold the office for which he desired to become a candidate. Such statement shall be filed at least twenty-one days before the day set for such election, and shall be substantially in the following form: State of Alabama, — county. I, —, the undersigned being duly sworn, depose and say that I am a citizen of the city of — in said State and county and reside at — in said city. That I desire to become a candidate for the office of — in the said city for the term of — years

Candidates,
statement of.

at the election for said office to be held on the — day of —, next; that I am duly qualified to hold said office if elected thereto, and I hereby request that my name be printed on the official ballot of said election. (Signed) —. Subscribed and sworn to before me by said — on this — day of —, 19—, and filed in this office for record on said day. —, judge of probate, or notary public as the case may be. Said statement shall be accompanied by a petition signed by at least one hundred persons who shall be qualified to vote at said coming election, requesting that such person become a candidate for said office at said election. The signers to said petition shall set forth their names in full and their residence addresses and said petitions shall be substantially like the following form: "We, the undersigned duly qualified electors of the city of — and residing at the places set opposite our respective names do hereby request that the name of — be placed on the official ballot as a candidate for the office of — in said city for the term of — years at the election to be held in this city on the — day of — next. We further state that we know said — to possess the qualifications necessary for said office and to be in our judgment a fit and proper person to hold said office. Witness our hands on this the — day of —. —." At every such election all ballots to be used by the voters shall be printed and prepared by the said city and at its expense and shall contain the names of all candidates placed in alphabetical order directly underneath the words: "For president of the board of commissioners." "For associate commissioner for the term of —," as the case may be. No name shall appear upon the ballot as a candidate for election except the names of such persons as have become candidates according to the provisions as above set forth, and no ballot shall be used at any such election except the official ballot prepared by the city.

- Votes. Sec. 10. At every election each voter shall vote for one candidate for each office to be filled and no ballot shall be counted which fails to comply with this requirement, and the candidate receiving the highest number of votes for such office shall be elected thereto, provided he receives a majority of all the votes cast for such office. In case no one or more of such candidates shall receive a majority of all such votes cast for the office for which he is a candidate, another election shall be held on the same day of the following week for said office, at which not more than twice the number of candidates for the several offices to be filled shall be voted for being those who received the highest number of votes in said election. The candidate receiving the highest number of votes at such election shall be declared elected.
- Second elec-
tion.
- Candidates,
qualifica-
tions of.
- Sec. 11. The president and other commissioners provided by this act shall be elected by vote of the legally qualified voters, nor shall any person be eligible for such office who shall not be over the age of twenty-five years at the time he shall become a candidate or shall not be duly qualified to vote in the election at which he shall be elected. In case any person after he shall have been elected and duly qualified as such president of the board or other commissioner shall be declared ineligible to hold such office, a successor shall be chosen as in case of a vacancy caused by death, resignation or any other cause.
- Commission-
ers, oath of.
- Sec. 12. Every person who shall be elected to the office of president of the board or other commissioner in any city organized according to the provisions of this act shall on or before the first Monday of the month preceding his election qualify by making oath that he is eligible for said office and will execute the duties of the same according to the best of his knowledge and ability. Said oath shall be administered by the retiring mayor or president of the board of commissioners of such city or by a notary public. The term of office of every such president of the board
- Term of office.

of commissioners shall begin on the first Monday of October succeeding the election except as may be otherwise expressly provided by this act. Each commissioner shall before entering upon the duties of this office, give a good and sufficient ^{Bond.} surety bond, which may be executed by a bonding company authorized to do business in Alabama, payable to and for the use and benefit of any such city, in the sum of five thousand dollars conditioned for the faithful discharge of his duties, and that he will save such city harmless from all loss caused by his neglect of duty or misfeasance in office or for the wilful expenditure of any moneys of such city in violation of law and said bond before being accepted, shall be approved by the probate judge in and for the county wherein such city is situated, the premiums on said bond shall be paid out of the city treasury. No member of the commission shall hold any office of profit or trust under the laws of any State or the United States, or hold any ^{Shall not hold any other office.} county or other city office; nor shall the commission or any commissioner ever be elected or appointed to any office created by, or the compensation of which was increased or fixed by the commission, while he was a member thereof within two years therefrom.

Sec. 13. The qualified voters of any city organized according to the terms of this act may at any time file with the board of commissioners of such city at any regular meeting of said board a petition or petitions asking for the resignation of the president of the board of commissioners or any commissioner of said city. Such petition shall contain a general statement of the grounds upon which the removal of said official is requested and each signer shall add after his signature, and opposite thereto his residence address. In case such petition shall be signed by at least one ^{Petition for resignation of commissioners.} thousand voters duly qualified to vote for a successor to said office, and said officer shall not on or before the next regular meeting of said board, resign from office, then said board at such meet- ^{Number of signers of petition.} ^{Effect of.}

Election of
successor.

Notice of.

Term of suc-
cessor.

ing shall order an election to be held not less than thirty days nor more than forty days from the date of said meeting, at which election a successor to such officer to hold office for his unexpired term shall be voted for. At such election the person sought to be removed from office shall be a candidate to succeed himself and his name shall be placed upon the official ballot without any affirmative action on his part. Notice of such election shall be given by publication once a week for three successive weeks in some newspaper published in said city. The person who shall be elected to such office shall hold same for the unexpired term thereof, and if the person so elected be the incumbent whose removal has been requested then he shall continue in office as though such petition had not been filed or such election held.

Ordinances,
when effective.

Referendum.

Sec. 13½. No ordinance passed by the commission, except when otherwise required by the general laws of the State, or by the provisions of this act, except an ordinance for the immediate preservation of the public health or safety, which contains a statement of its urgency and is passed by a unanimous vote of the commission shall go into effect before ten days from the time of the final passage; and if during said ten days a petition signed by electors of the city equal in number to at least twenty-five per centum of the entire vote cast at the last general municipal election held in said city protesting against the passage of such ordinance, be presented to the commission, the same shall thereupon be suspended from going into operation, and it shall be the duty of the commission to reconsider such ordinance; and if the same is not entirely repealed, the commission shall submit the ordinance to the vote of the electors of the city, either at the general election or at a special municipal election to be called for that purpose; and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof.

Said petition and election shall be in all respects in accordance with the provisions of section 13, except as to the per centage of signers and be examined and certified to by the clerk in all respects as therein provided. Said board of commissioners shall have the exclusive right to regulate or permit within the police jurisdiction of any such city the playing of any game or amusement on Sunday, and any law in conflict with this provision in so far as same relates to any city of this class is hereby repealed.

Sec. 14. Whenever any vacancies shall occur in the office of the president of the board or other commissioner of any city organized under the terms of this act, then his successor shall be appointed by the governor. Every person who shall be appointed to the office of president of the board or other commissioner of such city under the provisions of this section or of the preceding section, shall qualify for office as soon as practicable after such election and shall be clothed with the duties and responsibilities and powers of such office immediately upon such qualification. He shall hold office for the unexpired term of his predecessor.

Vacancies.
How filled.

Sec. 15. The president of the board of commissioners of every city organized under the terms of this act shall receive a salary of four thousand five hundred dollars per annum, and at that rate for every fraction of the year during which he shall hold office. Said salary shall be paid in monthly installments at the end of every calendar month during which he shall hold office, out of the city treasury of said city; said installments to be in payment for the portion of the month during which he shall have held office at the rate thus provided. Each of the other commissioners of every such city shall receive a salary of three thousand dollars per annum, and at that rate for every fraction of a year during which they shall hold office. They shall be paid at the end of every calendar month as provided

Compensation of commissioners.

for the payment of the salary of the president of the board of commissioners of such city.

Employees,
election of.

Sec. 16. The employees of cities organized under this act shall be elected by the commissioners solely on account of their fitness and without regard to their political affiliations. It shall be unlawful to hold party caucuses or primaries for the purpose of nominating any employee to be selected by such commissioners, and any person who shall solicit or accept a party nomination for any office to be filled by said commission shall be thereby rendered ineligible for such office or any other office under said city for a period of one year thereafter.

Inducements to
obtain po-
litical sup-
port prohib-
ited.

Sec. 17. It shall be unlawful for any candidate for office or any officer in such city, directly or indirectly to give or promise any person or persons any office, position, employment, benefit or anything of value for the purpose of influencing or obtaining the political support, aid or vote of any person or persons. Every commissioner elected by popular vote in any such city shall within thirty days after qualifying, file with the judge of probate of the county and the same shall be published at least once in a newspaper of general circulation in such city, his sworn itemized statement of all his election and campaigning expenses, and by whom such funds were contributed. Any violation of the provisions of this section shall be a misdemeanor, punishable by a fine of not more than three hundred dollars, and be a ground for removal from office.

Statement of
expense of
election, pub-
lication of.

Penalty.

City officers
and employees
prohibited
from having
interest in
contract for
work for city.

Sec. 18. No officer or employee elected or appointed in any such city shall be interested, directly or indirectly, in any contract for work or material, for the profits thereof or services to be furnished or performed for the city; and no such officer or employee shall be interested directly or indirectly, in any contract for work or materials, or the profits thereof, or services to be furnished or performed for any person, firm or corporation operating interurban railway, street railway, gas works, electric light or power

plant, heating plant, telegraph line or telephone exchange within the territorial limits of said city. No such commissioner or other official of such city shall be interested in, or any employee or attorney of any corporation operating any public service utility, hereinabove mentioned and described in this section within said city. No such officer or employee shall accept or receive directly or indirectly, from any person, firm or corporation operating within the territorial limits of said city, any interurban railway, railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line or telephone exchange, or other business using, or operating under a public franchise, any frank, free pass, free ticket, or free service, or accept or receive, directly or indirectly from any such person, firm or corporation, any gift or other thing of value or any service upon terms more favorable than are granted to the public generally. Any violation of the provisions of this section shall be a misdemeanor, and upon conviction thereof, the guilty person shall be punished by a fine of not less than one hundred nor more than three hundred dollars and may be imprisoned in the county jail for not more than ninety days. Every such contract or agreement shall be void. Such prohibition of free transportation shall not apply to policemen or firemen in uniform; nor to policemen in the discharge of their duty; nor shall any free service to city officials heretofore provided by any franchise or ordinance be affected by this section. Any officer or employee of such city who, by solicitation or otherwise, shall exert his influence directly or indirectly to influence other officers or employees of such city to favor any particular person or candidate for office as president of the board of commissioners or commissioner of said city, or who shall in any manner contribute money, labor or other valuable thing to aid in the election of any person as president of the board of commissioners of said

Exception.

Penalty.

city, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not exceeding three hundred dollars, and may also be imprisoned in the county jail for a term not exceeding thirty days.

Policemen and
firemen pen-
sioned.

Sec. 18½. That all police officers and policemen, all officers of the fire department, and firemen in any city organized under the provisions of this act who shall have honorably served in and been a member of the police and fire department of any such city or of the municipal organization for twenty years continuously which such city has immediately succeeded and who shall have attained the age of fifty years shall upon his application in writing to the commission of such city, be relieved and retired from active service in said police department or fire department upon half pay, that is to say, such policeman or fireman upon being so retired, shall receive and be paid for and during his natural life, an amount of money equal to one-half the salary or pay which such policeman or fireman was receiving at the time of making such application, the same to be paid monthly out of any funds that may be in the treasury of such city not otherwise appropriated, provided, that the amount to be paid to any one employee hereunder shall not exceed forty dollars per month. That any officer or policeman or fireman in any such city who shall have become permanently disabled by reason of any injury received while in the service as a member of said police or fire department, shall upon his application in writing to the board of commissioners, be relieved and retired from active service, in said police or fire department upon half pay, that is to say, such fireman or policeman, upon being so retired shall receive each month an amount of money equal to one-half the salary or pay which such fireman or policeman was receiving at the time of receiving such injury while in the discharge of his duties as an officer, the same to be paid monthly out of any funds in the city treasury. The board of

Amount of
pension.

commissioners shall determine and pass upon whether such disability complained of is permanent or not, and to this end shall receive any evidence in testimony offered by such applicant, and may hear and consider any other testimony or evidence which the said commission or other body shall cause to come before it; and shall render judgment in said cause, which shall be kept in the minutes of the proceedings of such commission. Whenever it shall come to the knowledge of such commission that any fireman or policeman whom they had adjudged to be permanently disabled, has recovered from such disability so as to enable him to earn a livelihood, then the commission may reconsider its former action and withdraw from such fireman or policeman for the future the aforesaid half pay. Provided further that the monthly payment to any fireman or policeman on account of permanent disability, as provided in this section shall not exceed as to any one such fireman or policeman the sum of forty dollars per month. The board of commissioners is authorized to make all necessary or proper rules and regulations effectuating the intention of this section. Any officer or policeman who shall avail himself of the provisions of this section shall nevertheless remain members of said police department and while relieved of regular duty shall constitute a reserve of said police department, and be at all times subject to the performance of any duty that may be required by the governing body of said city; provided that no such fireman or policeman who possesses independent means of livelihood shall come within the provisions of this section.

Reserve.

Sec. 19. The commission shall each month print in pamphlet form a detailed statement of all receipts and expenses of the city and a summary of its proceedings during the preceding month, and furnish printed copies thereof to the daily newspaper of the city, and to persons who apply therefor. At the end of each year the commission shall cause a full and complete examina-

Monthly statements of receipts and expenses.

Publication of.

tion of all the books and accounts of the city to be made by competent accountants and shall publish the result of such examination in the manner above provided for publication of statements of monthly expenditures. And the governor is authorized at any time to have all the books and accounts of such city examined by a State examiner of public accounts, the cost of such examination to be paid by such city upon the presentation to the president of the board of commissioners of such city of a duly verified statement of such expenses made by such examiner of public accounts, approved by the governor.

Bribery at
elections.

Sec. 20. Any person offering to give a bribe, either in money or other consideration, to any voter for the purpose of influencing his vote at any election provided for in this act, or any voter entitled to vote at such election, receiving and accepting such bribe or other consideration, any person making false answer to any of the provisions of this act relative to his qualifications to vote at said election, (any election), any person willfully voting or offering to vote at such election who has not been a resident of this State for two years next preceding such election, or who is not twenty-one years of age, or not a citizen of the United States, or knowing himself not to be a qualified voter of such precinct, where he offers to vote, any person knowingly procuring, aiding or abetting, any violations thereof shall be deemed guilty of a misdemeanor, and upon conviction shall be fined a sum of not less than one hundred dollars, nor more than five hundred dollars, and may be imprisoned in the county jail for not less than ten nor more than ninety days.

Penalty.

Influencing
voters.

Sec. 21. Any employee of any such city who solicits support from any candidate for commissioner or any such employee who shall endeavor to influence any voter to vote for or against any candidate for commissioner, shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than ten nor more than fifty dollars and may also be imprisoned in the county

Penalty.

jail for not more than ten days. Justices of the peace and judges of the inferior courts, shall, within their respective territories have jurisdiction of this offense.

Sec. 22. All general laws of this State regulating and prescribing the conduct of municipal elections and the qualifications and registration of voters thereat shall apply to elections hereinunder except so far as expressly modified herein.

State laws apply to municipal elections.

Sec. 23. The judge of probate of the county in which are located the cities covered by this act shall record in a well bound book kept for that purpose all papers required to be filed with him under the terms of this act, and shall receive therefor the compensation allowed by law for recording deeds.

Probate judge to keep records.

Compensation.

Sec. 24. It shall be unlawful for any candidate for commissioner or for president of the board or for any other person in his behalf to hire, or pay, or agree to pay, any person to solicit votes at the polls on election, and unlawful for any person to accept such hire, or make such contract for pay to solicit votes for the president of the board or other commissioner; and any person violating this section shall be guilty of a misdemeanor and may be punished by a fine not to exceed five hundred dollars for each offense, and the candidate violating this section shall thereby be disqualified for and rendered ineligible to the office sought.

Hiring persons to solicit votes.

Penalty.

Sec. 25. No candidate for the office of president of the board or other commissionership can lawfully expend more than one thousand dollars of his own funds and of funds contributed by others in aiding his candidacy in any one election. Any person violating the provisions of this section shall thereby be disqualified from holding said office, if successful and his election may be contested on that ground. No person but a qualified voter shall sign any petition authorized by this act. All petitions must contain the certificate of the probate judge as to the requisite number of voters required and it shall be the

Candidates, election expenses limited, penalty.

Petition, who may sign.

Certificate of probate judge.

Compensation
of probate
judge.

duty of the probate judge of the county to ascertain that such petition does contain the requisite number of voters and attach his certificate to such petition. The probate judge shall receive as compensation for such service ten cents for each name up to and including one hundred (100) and five cents for each name over that number which said petition may contain. Security for the payment of such cost to be approved by the probate judge must be given at the time of the presentation of the petition by the person or persons filing the same.

Petitions.
Restrictions
and
requirements
as to signatures.

Sec. 26. The petitions provided by this act may be by a number of separate instruments as well as by one instrument. No person but a qualified voter shall sign any petition provided by this act. And no person shall sign the name of another to any such petition whether with or without authority; and no person shall sign more than one separate instrument as a petition for any single purpose herein provided. Any violation of the foregoing provisions of this section shall constitute a misdemeanor punishable by fines not to exceed three hundred dollars. No qualified voter who has signed any petition provided for herein can withdraw his signature.

Penalty.

Abandonment
of commission
form of government.

Sec. 27½. Any city which shall have operated for more than four years under the provisions of this act may abandon such organization hereunder, and accept the provisions of the general law of the State then applicable to cities of its population, by proceeding as follows: Upon the petition of not less than one thousand electors of such city a special election shall be called, at which the following proposition only shall be submitted: "Shall the city of ----- abandon its present organization and become a city under the general laws governing cities of like population?" If a majority of the votes cast at such special election shall be in favor of such proposition, the officers elected at the next succeeding bi-ennial election shall be those then prescribed by the general law of the State for cities of like

How secured.

population and upon the qualification of such officers such city shall become a city under such general law of the State, and the terms of office of the city under the commission shall expire. The sufficiency of such petition shall be determined, the election ordered, and conducted, and the results declared as provided in this act for other special elections, in so far as the provisions thereof are applicable. If any section or provision of this act shall be held to be void or unconstitutional it shall not affect nor destroy the validity or constitutionality of any other section or provision of such act which is not of itself void or unconstitutional.

Sec. 28. All laws and parts of laws both local and general, in conflict with the provisions of Repeal. this act, are expressly repealed. This act shall take effect immediately upon its approval.

Approved April 6, 1911.

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